

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.55089 of 2015

Arising Out of PS.Case No. -51 Year- 2015 Thana -PURANHIA District- SHEOHAR

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Munni Kumari D/o Sri Nand Kishore Sah R/o Village - Basant Jagjeevan, P.S. -
Purnahiya, District - Sheohar.

.... Petitioner

Versus

1. The State of Bihar.
2. Usha Devi w/o Nand Kishore Sah R/o Village - Basant Jagjeevan, P.S. -
Purnahiya, District - Sheohar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Jha, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 12-05-2016

The petitioner, whose date of birth is recorded in the school register as 27th November, 2000, is a victim of abduction for which Purnahiya P. S. Case No. 51 of 2015 dated 01.07.2015 has been registered under Section 366 and 366-A/34 of the Indian Penal Code on the basis of written report submitted by her mother, namely, Usha Devi to the officer-in-charge of the aforesaid police station. During investigation of the case, the petitioner was recovered by the police and by the order of the court, she has been kept in Short Stay Home (Reformatory Home) at Sitamarhi as she has refused to go back to her parent's home.

2. On behalf of the petitioner, an application was filed in the court of Sub-Divisional Judicial Magistrate, Sheohar (for short 'SDJM') seeking release as she wanted to go to place of her choice.

3. After hearing the parties the learned SDJM has rejected the application vide order dated 05.08.2015

4. The present application under Section 482 of the Code of Criminal Procedure has been filed by the petitioner for quashing of the aforesaid order dated 5th August, 2015 passed by the learned SDJM in the aforesaid case by which the application filed by the petitioner for releasing her to go to the place of her choice was dismissed.

5. I have heard learned counsel for the petitioners and perused the impugned order dated 05.08.2015.

6. There is no dispute to the finding of the court below that the two admission registers related to the petitioner maintained in official course shows her date of birth as 27th November, 2000. The date of birth registered in the school register will have precedence over the age assessed by the Medical Board. The petitioner has not reached the age of discretion.

7. Hence, I find no illegality in the order passed by the learned SDJM. From perusal of the same, it would be evident

that the petitioner is a minor girl of tender age and taking into consideration the interest of her physical, sociological care and well-being, her application has been rejected. It is also explicit from the order impugned that even the Medical Board assessed the age of the petitioner to be between 15 and 17 years.

8. In that view of the matter, the application, being devoid of any merit, is hereby dismissed.

(Ashwani Kumar Singh, J.)

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